

PROVISO
SUBCOMMITTEE
RECOMMENDATIONS



TRANSPORTATION
AND
REGULATORY

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THE HOUSE WAYS AND MEANS COMMITTEE**

SECTION 55 - L46 - COMMISSION FOR MINORITY AFFAIRS

55.5 **AMEND** (Student Achievement and Vision Education) Directs the Commission for Minority Affairs to study and document family and community structures that contribute to or by their absence, exacerbate poor student achievement and socioeconomic deprivation. Directs the commission to identify all funding to programs and services that support family well being. Directs the commission to develop an assessment tool to survey appropriate agencies regarding services, associated cost, and other relevant information in order to identify and document gaps and duplication of services. Requires specific agencies to provide information to the commission as well as other agencies the commission deems appropriate. Directs the commission to compile a report that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities. Directs that the report make recommendations on the reallocation of funds, restructuring of agencies and services, and need for new programs or incentives for public-private partnerships. Directs that the report be issued by the first Tuesday of February, 2010 to the Governor, President Pro Tempore of the Senate, Chairman of the Senate Finance Committee, Chairman of the Senate Education Committee, Speaker of the House of Representatives, Chairman of the House Ways and Means Committee, Chairman of the House Education and Public Works Committee, Chairman of the Legislative Black Caucus and State Superintendent of Education.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to change February "2010" to "2011." Fiscal Impact: No impact on the General Fund.

55.5. (CMA: Student Achievement and Vision Education) The Commission for Minority Affairs is directed to study the economic and social impact of state funded programs that serve counties experiencing demographic shifts in the minority populations. The commission shall also study the programs and structures that contribute to or by their absence, exacerbate the problem of poor student achievement and socioeconomic deprivation. The commission is directed to identify all funding to programs and services that support family well-being in South Carolina. To identify and document gaps and duplication of services, the commission is directed to collect information regarding spending and programming from the following state agencies that will by virtue of this proviso be required to comply. The following state agencies are required to provide information to the Commission for Minority Affairs: Adjutant General's Office (Emergency Management Division), Department of Agriculture, Department of Alcohol and Other Drug Abuse Services, Commission for the Blind, Budget and Control Board, Department of Commerce, Department of Consumer Affairs, Department of Corrections, School for the Deaf and the Blind, Department of Disabilities and Special Needs, Education Oversight Committee, Department of Education, Educational Television Commission, Employment Security Commission, Governor's Office, Department of Health and Environmental Control, Department of Health and Human Services, State Housing, Finance and Development Authority, Department of Juvenile Justice, Department of Mental Health, Department of Probation, Parole and Pardon Services, Department of Social Services, state colleges and universities, and other agencies as the commission deems appropriate. The commission shall compile reports that identifies strengths, weaknesses, and gaps in program support activities that should be addressed to increase positive outcomes to help close the achievement gap, provide community supports that strengthen families, and address inequities confronting minorities in the State. The report shall make recommendations regarding the

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THEHOUSE WAYS AND MEANS COMMITTEE**

reallocation of funding, restructuring of agencies and services, and the need for new programs or incentives for public-private partnerships. The report(s) shall be issued to the Governor, the President Pro Tempore of the Senate, the Chairman of the Senate Finance Committee, the Chairman of the Senate Education Committee, the Speaker of the House of Representatives, the Chairman of the House Ways and Means Committee, the Chairman of the House Education and Public Works Committee, the Chairman of the Legislative Black Caucus and the State Superintendent of Education and State Agency Heads on or before the first Tuesday of February 2010 2011 for consideration and further legislative action.

SECTION 56 - R04 - PUBLIC SERVICE COMMISSION

- 56.1 DELETE** (Real-Time Closed Captioning - Major Media Markets) Authorizes and directs the Public Service Commission to spend up to \$810,000 from the Dual Party Relay Fund to continue real-time closed captioning of locally produced news services for the 4 television stations currently providing the service. States that the purpose of the voluntary program is to allow deaf and hard-of-hearing citizens to have real-time access to news and weather information. Directs that these funds can only be used for expenditures directly related to real-time closed captioning and that this provision remains in effect through June 30, 2010 or until a contract for real-time closed captioning is awarded, whichever comes first.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *A contract has been awarded.* Fiscal Impact: No impact on the General Fund. Requested by Public Service Commission.

~~**56.1.** (PSC: Real-Time Closed Captioning - Major Media Markets) The Public Service Commission is authorized and instructed to expend up to \$810,000 from the Dual Party Relay Fund in order to continue real-time closed captioning of locally produced news services for the four television stations that are currently providing the service.~~

~~The purpose of the voluntary project is to allow for the deaf and hard of hearing citizens of our state to have real-time access to news and weather information. Only expenditures directly related to real-time closed captioning can be funded from this appropriation. This proviso will remain in effect through June 30, 2010 or until such time as a contract for real-time closed captioning may be awarded, whichever comes first.~~

SECTION 65 - R36 - DEPARTMENT OF LABOR, LICENSING AND REGULATION

- 65.3 AMEND** (POLA - ~~110%~~ 10%, Other Funds) Requires the Professional and Occupational Offices to annually remit to the general fund an amount equal to 10% of their expenditures. Requires the Contractor's Licensing Board to remit to the general fund all revenues above their expenditures and directs that their 10% is included in that amount. Requires the department to also transfer \$5,300,000 from Subfund 3135 to the general fund. Allows the department to transfer funds from any other earmarked or restricted "special revenue fund" and lifts any restrictions on the use of those funds for the fiscal year. States the General Assembly's intent to assist the department to reduce and eventually eliminate this general fund obligation.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to delete the requirement that \$5,300,000 be transferred from Subfund 3135 to the general fund. *The transfer of the \$5.3 million was for FY 10-11.* Fiscal Impact: No impact on the general fund since this was a non-recurring one-time transfer. Requested by Department of Labor, Licensing and Regulation.

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THE HOUSE WAYS AND MEANS COMMITTEE**

65.3. (LLR: POLA - ~~440%~~ 10%, Other Funds) The Professional and Occupational Offices in Program II.F. Professional and Occupational Licensing must remit annually an amount equal to 10% of the expenditures to the general fund. The Contractor's Licensing Board must remit all revenues above their expenditures to the general fund. The revenue remitted by the Contractor's Licensing Board to the general fund includes the 10%. ~~In addition, the Department of Labor, Licensing, and Regulation is directed to transfer \$5,300,000 from Subfund 3135 to the General Fund of the State. In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified herein, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year. It is the intent of the General Assembly to assist the department to reduce and eventually eliminate this obligation to the general fund.~~

- 65.10** **DELETE** (Transfer to General Fund) Directs the department to transfer \$4,362,265 to the General Fund from funds carried forward in Subfund 3135. Authorizes the department to transfer an equal amount of funds from any "special revenue funds" earmarked or restricted account if they so choose and directs that restrictions concerning use of those funds is lifted for the specified fiscal year.

PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. *The transfer was specifically for FY 09-10.* Fiscal Impact: No impact on the General Fund since this was a non-recurring one-time transfer. Requested by Department of Labor, Licensing and Regulation.

~~**65.10.** (LLR: Transfer to General Fund) For Fiscal Year 2009-10, the Department of Labor, Licensing, and Regulation is directed to transfer \$4,362,265 of the funds carried forward in Subfund 3135 to the General Fund of the State. In order to provide maximum flexibility to maintain critical programs, the department may, in lieu of the specific account identified herein, opt to transfer an equal amount of funds from any agency earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records for this purpose. Any restrictions concerning specific utilization of these funds are lifted for the specified fiscal year.~~

- 65.iih** **ADD** (Illegal Immigration Hotline) **PROVISO SUBCOMMITTEE RECOMMENDATION:** ADD new proviso to transfer responsibility for establishing and maintaining a 24 hour toll free telephone number and electronic website to receive, record, collect, and report allegations of federal or South Carolina immigration laws violations by or against any non-US citizen or immigrant from the Commission on Minority Affairs to the Department of Labor, Licensing, and Regulation. Direct that violations include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES], or any regulations that govern operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20 [REGISTRATION OF IMMIGRATION ASSISTANCE SERVICES-DEFINITIONS], violation of human trafficking laws, as defined in Section 16-3-930 [TRAFFICKING IN PERSONS FOR FORCED LABOR OR SERVICES; PENALTY; EXCEPTIONS], landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services. Direct the LLR executive director, or a designee, to establish and maintain a centralized tracking database that consists of all information received through the 24 hour toll free telephone number and electronic website,

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THEHOUSE WAYS AND MEANS COMMITTEE**

and to report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision that has law enforcement or regulatory control over the subject matter, including, but not limited to the US Bureau of Immigration and Customs Enforcement, consistent with 8 USC Section 1373. Fiscal Impact: No impact on the General Fund.

65.iih. (LLR: Illegal Immigration Hotline) The responsibility for establishing and maintaining a twenty-four hour toll free telephone number and electronic website to receive, record, collect, and report allegations of violations of federal immigration laws or related provisions of South Carolina law by any non-United States citizen or immigrant, and allegations of violations of any federal immigration laws or related provisions in South Carolina law against any non-United States citizen or immigrant shall be transferred from the Commission on Minority Affairs to the Department of Labor, Licensing, and Regulation.

Such violations shall include, but are not limited to, E-Verify or other federal work authorization program violations, violations of Chapter 83 of Title 40 of the 1976 Code relating to immigration assistance services, or any regulations enacted governing the operation of immigration assistance services, false or fraudulent statements made or documents filed in relation to an immigration matter, as defined by Section 40-83-20, violation of human trafficking laws, as defined in Section 16-3-930, landlord tenant law violations, or violations of any law pertaining to the provision or receipt of public assistance benefits or public services.

The executive director of the Department of Labor, Licensing, and Regulation, or a designee, shall establish and maintain a centralized tracking database consisting of all information received through the twenty-four hour toll free telephone number and electronic website, and shall report all alleged violations to the appropriate law enforcement, administrative, executive, or regulatory agency or political subdivision having law enforcement or regulatory control over the subject matter, including, but not limited to the United States Bureau of Immigration and Customs Enforcement, consistent with 8 USC Section 1373.

SECTION 89 - X90 - GENERAL PROVISIONS

89.100 AMEND (Printed Report Requirements) Directs that for Fiscal Year 2009-10 higher education institutions shall not be required to submit printed reports mandated by Sections 2-47-40 [JBRC: INFORMATION TO BE FURNISHED BY AGENCIES AND INSTITUTIONS], 2-47-50 [JBRC: ESTABLISHMENT OF PERMANENT IMPROVEMENT PROJECTS BY BOARD; REVIEW OF PROPOSED REVISIONS; "PERMANENT IMPROVEMENT PROJECT" DEFINED], and 59-103-110 [APPROVAL FOR NEW CONSTRUCTION; EXEMPTIONS] and shall only submit the reports electronically. Directs that submission of plans or reports required by the following Sections are waived for the current fiscal year: 2-47-55 [JBRC: COMPREHENSIVE PERMANENT IMPROVEMENT PLAN], 59-101-350 [CHE ANNUAL REPORT; SUBMISSION OF INFORMATION BY EDUCATIONAL INSTITUTIONS FOR INCLUSION IN REPORT; ALUMNI SURVEYS], 59-103-30 [CRITICAL SUCCESS FACTORS AND PERFORMANCE INDICATORS], 59-103-45(4) [ADDITIONAL DUTIES AND FUNCTIONS OF COMMISSION REGARDING PUBLIC INSTITUTIONS OF HIGHER LEARNING], and 59-103-160(D) [ENGLISH FLUENCY IN HIGHER LEARNING ACT-INSTITUTIONS - POLICY AND AMENDMENTS TO THE POLICY]. Directs that per Section 2-47-55 [JOINT BOND REVIEW COMMITTEE-COMPREHENSIVE PERMANENT IMPROVEMENT PLAN] higher education institutions must continue to report year one of the Comprehensive Permanent Improvement Plan, and continue to report student pass rates on professional exams, and data elements required for the CHE Management Information System. Directs CHE, in consultation with institutions to take further action to reduce data reporting burdens as possible. Directs the Department of Agriculture, for FY 09-10, to not submit printed reports mandated by Section 46-49-10 [SUPERVISION AND

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THE HOUSE WAYS AND MEANS COMMITTEE**

REGULATION OF MILK AND MILK PRODUCTS, DEFINITIONS] and to instead provide the reports electronically and to use any savings for K5-12 agriculture education programs. Directs that for FY 09-10 the Department of Health and Human Services is not required to provide printed copies of the Medicaid Annual Report required by Section 44-6-80 [DHHS: ANNUAL AND INTERIM REPORTS] and the Provider Reimbursement Rate Report required by proviso 21.13 [PROVIDER REIMBURSEMENT RATE REPORT] and to instead provide the documents electronically. Prohibits the Department of Commerce, for FY 09-10, from printing, distributing, or mailing hard copy color brochures that have been produced at department expense to General Assembly members. Directs that brochures or documents provided to members shall only be produced in black and white. Directs that for FY 09-10, the Department of Transportation is not required to submit printed reports or publications mandated by Sections 1-11-58 [ANNUAL INVENTORY AND REPORT; REVIEW; SALE OF SURPLUS PROPERTY], 2-47-55 [JBRC: COMPREHENSIVE PERMANENT IMPROVEMENT PLAN], and 58-17-1450 [RAILROAD CROSSING SAFETY REQUIREMENTS]. Authorizes DOT to combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

PROVISO SUBCOMMITTEE RECOMMENDATION: AMEND proviso to update fiscal year references from “2009-10” to “2010-11.” *Technical.* Fiscal Impact: No impact on the General Fund.

89.100. (GP: Printed Report Requirements) (A) For Fiscal Year ~~2009-10~~ 2010-11, state supported institutions of higher learning shall not be required to submit printed reports mandated by Sections 2-47-40, 2-47-50, and 59-103-110 of the 1976 Code, and shall instead only submit the documents electronically.

Submission of the plans or reports required by Sections 2-47-55, 59-101-350, 59-103-30, 59-103-45(4), and 59-103-160(D) shall be waived for the current fiscal year, except institutions of higher learning must continue to report under 2-47-55 year one of the Comprehensive Permanent Improvement Plan, student pass rates on professional examinations, and data elements otherwise required for the Commission on Higher Education Management Information System. The commission, in consultation with institutions, shall take further action to reduce data reporting burdens as possible.

(B) For Fiscal Year ~~2009-10~~ 2010-11, the Department of Agriculture shall not be required to submit printed reports mandated by Section 46-49-10 of the 1976 Code. The department shall provide these reports electronically and shall use any monetary savings for K5-12 agriculture education programs.

(C) For Fiscal Year ~~2009-10~~ 2010-11 the Department of Health and Human Services shall not be required to provide printed copies of the Medicaid Annual Report required pursuant to Section 44-6-80 of the 1976 Code and the Provider Reimbursement Rate Report required pursuant to proviso 21.13, and shall instead only submit the documents electronically.

(D) For Fiscal Year ~~2009-10~~ 2010-11 the Department of Commerce is prohibited from printing and distributing or mailing hard copy color brochures, that have been produced at department expense, to members of the General Assembly. Brochures or documents provided to members of the General Assembly shall only be produced in black and white.

(E) For Fiscal Year ~~2009-10~~ 2010-11, the Department of Transportation shall not be required to submit printed reports or publications mandated by Sections 1-11-58, 2-47-55, and 58-17-1450 of the 1976 Code.

The Department of Transportation may combine their Annual Report and Mass Transit Report into their Annual Accountability Report.

**PROVISO SUBCOMMITTEE
TRANSPORTATION AND REGULATORY
RECOMMENDATIONS FOR FY 2010-11
TO THEHOUSE WAYS AND MEANS COMMITTEE**

SECTION 90 - X91-STATEWIDE REVENUE

90.12 DELETE (DMV Cash Transfer) Directs DMV to transfer \$8,000,000 from any department earmarked or restricted "special revenue funds" account to the following agencies and lifts any restrictions concerning use of these funds for the current fiscal year: \$1,000,000 to SLED, \$4,000,000 to DPS, \$1,000,000 to DPPP, and \$2,000,000 to DJJ. Directs that for FY 09-10 the license plate replacement interval is suspended until funds transferred to other agencies are repaid to the department pursuant to proviso 90.13 or by any other source of funds or until the Plate Replacement Fee Fund has enough monies to reinstitute the license plate replacement.
PROVISO SUBCOMMITTEE RECOMMENDATION: DELETE proviso. Fiscal Impact: No impact on the general fund.

~~90.12. (SR: DMV Cash Transfer) The Department of Motor Vehicles shall transfer \$8,000,000 from any department earmarked or restricted account designated as "special revenue funds" as defined by the Comptroller General's records to the specified agencies in order to offset budget reductions and any restrictions concerning specific utilization of these funds are lifted for the current fiscal year:~~

- ~~(1) D10 State Law Enforcement Division.....\$ 1,000,000;~~
- ~~(2) K05 Department of Public Safety.....\$ 4,000,000;~~
- ~~(3) N08 Department of Probation, Parole, and Pardon Services.....\$ 1,000,000; and~~
- ~~(4) N12 Department of Juvenile Justice.....\$ 2,000,000.~~

~~For the Fiscal Year 2009-10, the license plate replacement interval is suspended until the funds transferred to other agencies within this provision are repaid to the department pursuant to proviso 90.13 or by any other source of funds or until such time as the Plate Replacement Fee Fund has a sufficient balance to reinstitute license plate replacement.~~